

CITY OF NEWPORT DOCKET OF THE COUNCIL MEETING APRIL 25, 2012

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on April 25, 2012, at 6:30 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN'S FORUM: (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

- a. Special Event Licenses:

- (1) Newport Art Museum, d/b/a Artists Ball; Newport Art Museum, 76 Bellevue Ave., May 12, 2012, from 8:00 p.m. to Midnight.
- (2) St. Spyridon Philoptochos Society, d/b/a Yard Sale; Church parking lot at corner of Thames and Brewer Sts., May 12, 2012, from 9:00 a.m. to 1:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – “Current Newport City News & Announcements” – Click on “MORE NEWS.” Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- (3) Bari George, d/b/a Bike to Work Day/Bike Fair; Washington Square/Eisenhower Park, May 18, 2012, from 6:00 a.m. to 8:00 p.m.
- (4) Visiting Nurse Services of Newport & Bristol Counties, d/b/a Annual Meeting; Salve Regina University, Ochre Court, May 23, 2012, from 5:30 p.m. to 7:30 p.m.
- (5) John J. Hosch Memorial Trust, d/b/a John J. Hosch Tennis Challenge; Rogers High School, May 26, 27 & 28, 2012.
- (6) Japan-American Society and Black Ships Festival of RI, d/b/a 29th Black Ships Festival – Events on Long Wharf: July 19, 2012, from 6:00 p.m. to 7:00 p.m., Navy Band Northeast; July 21, 2012, from 11:00 a.m. to 4:00 p.m., Japanese-American Market and Taiko Drum Performance; and July 22, 2012, from 11:00 a.m. to 4:00 p.m., Japanese-American Market, and from 3:00 p.m. to 4:00 p.m., 88th Army Band
- (7) St. Spyridon Greek Orthodox Church, d/b/a Greek Festival; corner of Thames and Brewer Streets, July 20, 2012, from 4:00 p.m. to midnight, July 21, 2012, from noon to midnight and July 22, 2012, from noon to 6:00 p.m.
- (8) Jesus Saviour Church, d/b/a Summer Bazaar; Church parking lot at 1 Vernon Ave., July 26, 27 and 28, 2012, from 7:00 p.m. to Midnight.
- (9) Mary Ann Martin, d/b/a Unique Boutique Craft Fair; Easton's Beach Rotunda, Nov. 10 and 11, 2012, from 10:00 a.m. to 4:00 p.m.
- (10) Friends of Ballard Park, d/b/a Fundraiser; 11 Berkeley Ave., June 2, 2012, from 6:00 p.m. to 9:00 p.m.
- (11) Friends of Ballard Park Annual Events at Ballard Park:
 - (a) Music Month 2012 Concert Series, July 11 and 18, 2012, from 6:30 p.m. to 8:30 p.m.; July 25, 2012, from 10:00 a.m. to 11:00 a.m. and 6:30 p.m. to 8:30 p.m. (rain dates the following days) – Request for waiver of Ordinance 12.32.010

- (E), Parking Closing (Approve subject to details being worked out with the city administration)
- (b) Mad Hatter (Iced) Tea Party/Fundraiser, August 6, 2012, from 4:00 p.m. to 7:00 p.m.
 - (c) Movies on the Rocks 2012/Outdoor Film Festival; August 8, 15, 22 and 29, 2012, from dusk until approx. 11:00 p.m. (rain dates the following days) -- Request for waiver of Ordinance 12.32.010 (E), Parking Closing (Approve subject to details being worked out with the city administration)
 - (d) 10th Annual Pumpkin Tour; October 13, 2012, from 4:00 p.m. to 9:30 p.m. – Request for waiver of Ordinance 12.32.010 (E), Parking Closing (Approve subject to details being worked out with the city administration)
- b. Bingo License, Jesus Saviour Church, Summer Bazaar; Church parking lot at 1 Vernon Ave., July 26, 27 and 28, 2012, from 7:00 p.m. to midnight.
 - c. Food Concession License, Jesus Saviour Church, d/b/a Holy Ghost Feast; Fenner Ave. Hall, 15 Fenner Ave., June 3, 2012, from Noon to 7:00 p.m.
 - d. Food Concession License, Jesus Saviour Church, d/b/a Summer Bazaar; Church parking lot, 1 Vernon Ave., July 26-28, 2012, from 7:00 p.m. to Midnight.
 - e. Food Concession License, St. Spyridon Greek Orthodox Church, d/b/a Greek Festival; corner of Thames and Brewer Streets, July 20, 2012, from 4:00 p.m. to midnight, July 21, 2012, from noon to midnight and July 22, 2012, from noon to 6:00 p.m.
 - f. Banner License, Hellenic Orthodox Community of Newport, RI Inc., d/b/a St. Spyridon Greek Orthodox Church, from July 17-22, 2012, corner of Thames and Brewer Streets.
 - g. Holiday Selling License, New:

1. Georgia Pine Clothiers, LLC, d/b/a J. McLaughlin, 180 Bellevue Ave.
 2. Peter Warburton, d/b/a Warburton Maritime Gallery, 8 Bowen's Wharf
- h. Holiday Selling License, Renewals:
1. Rockport Company, Inc., d/b/a Rockport Company, The, 240 Thames St.
 2. Things to Treasure, Inc., d/b/a Paper Lion, 24 Long Wharf Mall
 3. Two Hogs LLC, d/b/a Del Sol, 203 Goddard Row
- i. Sidewalk Café License, Renewals:
- (1) Ben's Chili Dogs, LLC, d/b/a **Ben's Chili Dogs**, 158 Broadway
 - (2) Newport Bubble Tea, LLC, d/b/a **Empire Tea & Coffee**, 22 Broadway
 - (3) Fastnet, Inc., d/b/a **The Fastnet**, 1-3 Broadway
 - (4) JNR, LLC, d/b/a **Jonathan's Ocean Coffee Roasters**, 22 Washington Sq.
 - (5) la maison de COCO, LLC, d/b/a **la maison de COCO**, 29 Bellevue Ave.
 - (6) Monkey Business, LLC, d/b/a **The Hungry Monkey**, 124 Broadway
 - (7) MBK, LLC, d/b/a **Pour Judgement**, 32 Broadway
 - (8) Restaurant Bouchard, Inc., d/b/a **Restaurant Bouchard**, 505 Thames St.
 - (9) BKA Industries, Inc., d/b/a **Scales & Shells**, 527 Thames St.
 - (10) Vivienne O'Dwyer, d/b/a **People's Café**, 282 Thames St.
- j. Communication from Ron Bernier, President, Top of the Hill, asking permission to close off Ayrault St., from #73 to Catherine St., on June 2, 2012, (rain date, June 4) from 5:00 p.m. to 8:00 p.m., for the residents' 3rd Annual Block Party. (Approve subject to details being worked out with the city administration.)
- k. Resignation of Mary Ann Marin from the Beach Commission (Receive with regret)

- l. Recommended FY13 Operating Budget (Receive and order advertised for hearing on May 9, 2012.)
- m. Communication from the Historical Preservation & Heritage Commission, re: nomination of the yacht *Weatherly* to the National Register of Historic Places. (Receive)
- n. Communication from the Planning Board, re: Parameters for drafting wind turbine ordinance
- o. RI Department of Environmental Management Public Notice (#12-04) of proposed permit actions under the RI Pollutant Discharge Elimination System Program – Draft RIPDES Pesticide General Permit for Discharges from the Application of Pesticides (Receive)
- p. Annual Report of the Newport Hospitality Commission (Receive)

LICENSES & PERMITS

2. Victualing License, New, Ihabch654, Inc., d/b/a C. H. Charles 5 & 10-cent, 232 Broadway
3. Victualing License, New, Beui Duck, Ltd., d/b/a Max and Bear's Ice Cream, 221 Goddard Row
4. Victualing License, New, Beluga Froyo LLC, d/b/a Beluga Frozen Yogurt, 258 Bellevue Ave.

5. APPOINTMENTS TO BOARDS AND COMMISSION

Aquidneck Island Planning Commission – Mary Moniz, voting member, Melissa Pattivina, alternate member

RESOLUTIONS

6. Sidewalk Cafes on Washington Square – N. Neville
7. Supporting Legislation establishing the East Bay Energy Consortium – J. Napolitano, H. Winthrop

8. Joining the Newport School Committee in requesting the Rhode Island General Assembly to oppose H-7617 and H-7620 and any other binding arbitration legislation under consideration – J. McLaughlin, N. Neville, S. Waluk, H. Winthrop, K. Leonard, J. Napolitano
9. Joining the Newport School Committee in requesting the Rhode Island General Assembly to oppose S-2532 and H-7250 and any other legislative proposal that would mandate the existing terms and conditions of a contract be extended beyond its term – J. McLaughlin, N. Neville, S. Waluk, H. Winthrop, K. Leonard, J. Napolitano
10. Joining the Newport School Committee in support of S-2158, H-7272 and H-7863 – J. McLaughlin, N. Neville, S. Waluk, H. Winthrop, K. Leonard, J. Napolitano
11. In support of the package of legislation submitted by Governor Lincoln Chafee including to help cities and towns resolve their financial problems and begin the process of recovery and financial stability including: H-8007 and S-2827, H-8008 and S-2823 and H-8011 and S-2828 – J. McLaughlin, S. Waluk, J. Napolitano
12. Recognizing Rebuilding Together Initiative- J. McLaughlin, K. Leonard, H. Winthrop, J. Napolitano
13. Requesting legislation to permit the expansion of the alcoholic beverage at the Fastnet Pub to expand its licensed premises to provide additional necessary storage and refrigeration requirements – J. Napolitano
-- Communication from Turner C. Scott, Esq., re: Fastnet Pub Expansion
- 14-A Requesting legislation to permit the Jane Pickens Theater to qualify for a Class T alcoholic beverage license – J. Napolitano
-- Communication from Turner C. Scott, Esq., re: Jane Pickens Theater & Events Center – Class T Alcoholic Beverage License
- 14-B In support of RI Senate Bill 2012-S2724, Sub A, passage of which would authorize the conveyance of certain parcels of land in the City of Newport and the Town of Middletown to the Federal Government for the benefit of the United States Navy.

ORDINANCES

15. Ordinance amending Title 17 of the Codified Ordinances, entitled, "Zoning," specifically, Sections 17.04.050, "General Requirements"; "Section 17.08.050, "Definitions"; and creating a new Chapter 17.86, "Demolition of Structures." (Second Reading)

COMMUNICATIONS FROM THE CITY MANAGER

16. Action #4984/2012, re: Bid Award #12-51-Fitness and Enrichment Programs (with accompanying resolution)
17. Action #4985/2012, re: Bid Award #12-50-Water Sports Concessions (with accompanying resolution)
18. Action #4986/2012, re: Bid Award #12-61-Construction Equipment & Operator (with accompanying resolution)
19. Action #4987/2012, re: Supplemental Contract Agreement-Bid #12-36-Thames St. Resurfacing Additional Roadway Improvements-CDBG Stimulus Funding (with accompanying resolution)
20. Action #4988/2012, Transient Boater Facility (Harbor Center)-Contract Change Orders (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE
COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Class F Daily Liquor License:
 - (1) Jesus Saviour Church, d/b/a Holy Ghost Feast; Fenner Ave. Hall, 15 Fenner Ave., June 3, 2012, from Noon to 7:00 p.m.
 - (2) St. Spyridon Greek Orthodox Church, d/b/a Greek Festival, July 20, 2012, from 4:00 p.m. to midnight, July 21, 2012, from noon to midnight and July 22, 2012, from noon to 6:00 p.m.
 - (3) Jesus Saviour Church, d/b/a Summer Bazaar; Church parking lot at 1 Vernon Ave., July 26-28, 2012, from 7:00 p.m. to Midnight.
 - (4) Newport Festivals Foundation, d/b/a Newport Folk Festival Opening Night; Fort Adams State Park, July 27, 2012, from 4:00 p.m. to 8:30 p.m.
 - b. Class F-1 Daily Liquor License: America's Cup Event Authority, d/b/a America's Cup World Series, Fort Adam State Park, June 23 through July 1, 2012.

LICENSES & PERMITS

2. Application of Hoan, Inc., d/b/a Rex Liquors, 126 Broadway, to transfer its Class A alcoholic beverage license, 146 Broadway. (Hearing)

ADJOURN

Kathleen M. Silvia
City Clerk

April 18, 2012